

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC., et al.,

Plaintiffs,

V.

ROBERT BELLISTRI,

Defendants.

No. 4:09-CV-731 CAS

ORDER

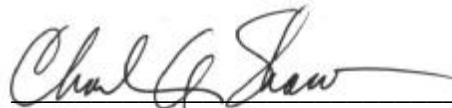
This matter is before the Court on defendant Robert Bellistri’s motion for leave to file a “conditional supplemental counterclaim for equitable recoupment” and for a separate trial of plaintiffs’ claims before any trial on the proposed counterclaim. Plaintiffs have not responded to the motion and the time to do so has passed.

The Court will grant defendant's motion for leave to file his counterclaim. Defendant's motion for a separate trial of plaintiffs' claims prior to any trial on the counterclaim will be denied without prejudice as premature.

Accordingly,

IT IS HEREBY ORDERED that defendant’s motion for leave to file a “conditional supplemental counterclaim for equitable recoupment” is **GRANTED**. [Doc. 13] The Clerk of the Court shall detach and docket as a “Counterclaim” the document which was submitted as an attachment to the motion for leave.

IT IS FURTHER ORDERED that defendant's motion for a separate trial of plaintiffs' claims before any trial on the counterclaim is **DENIED without prejudice**. [Doc. 13]



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 16th day of September, 2009.